

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

832086

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Attorneys for JPMorgan Chase Bank, National Association

In Re:

Tony Kostovski



Order Filed on February 6, 2020

by Clerk

U.S. Bankruptcy Court

District of New Jersey

Case No: 18-21079 - RG

Hearing Date: December 18, 2019

Judge: Rosemary Gambardella

Recommended Local Form:



Followed



Modified

ORDER RESOLVING MOTION TO VACATE STAY AND/OR MOTION TO DISMISS WITH CONDITIONS

The relief set forth on the following pages, numbered two (2) through four (4) is hereby **ORDERED**.

DATED: February 6, 2020

A handwritten signature in cursive script that reads "Rosemary Gambardella".

Honorable Rosemary Gambardella
United States Bankruptcy Judge

Applicant: JPMorgan Chase Bank, National Association
Applicant's Counsel: Phelan Hallinan Diamond & Jones, PC
Debtor's Counsel: Russell L. Low, Esquire
Property Involved ("Collateral"): 5 Sewall Avenue B4, Clifton, NJ 07011

Relief sought: ☒ **Motion for relief from the automatic stay**
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for **2** months, from **December 1, 2019** to **January 1, 2020**.

☒ The Debtor is overdue for **2** payments at **\$1,206.05** per month.

☐ The Debtor is assessed for _____ late charges at \$_____ per month.

☒ Applicant acknowledges suspense funds in the amount of **\$245.38**

Total Arrearages Due \$2,166.72

2. Debtor must cure all post-petition arrearages, as follows:

☒ Immediate payment shall be made in the amount of **\$1,206.05**. Payment shall be made no later than **January 31, 2020**.

☒ Beginning on **February 1, 2020**, regular monthly mortgage payments shall continue to be made.

☒ Beginning on **February 1, 2020**, additional monthly cure payments shall be made in the amount of **\$160.12** for **5** months.

☒ On **July 1, 2020**, additional monthly cure payment shall be made in the amount of **\$160.07**

☐ The amount of \$_____ shall be capitalized in the debtor's Chapter 13 plan. Said amount shall be set up on Trustee's ledger as a separate Claim. Debtor(s) shall file a Modified Plan within 10 days from the entry of this Order to account for the additional arrears to be paid to the secured creditor via Chapter 13 Plan and to adjust monthly payments to the Chapter 13 Trustee accordingly.

3. Payments to the Secured Creditor shall be made to the following address(es):

☒ Immediate payment:

Chase Home Finance, LLC
Mail Code: OH4-7302
3415 Vision Drive
Columbus, OH 43219

☒ Regular Monthly payment:

Chase Home Finance, LLC
Mail Code: OH4-7302
3415 Vision Drive
Columbus, OH 43219

☒ Monthly cure payment:

Chase Home Finance, LLC
Mail Code: OH4-7302
3415 Vision Drive
Columbus, OH 43219

4. In the event of Default:

☒ Should the Debtors fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent

to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorney's fees of \$_____, and costs of \$_____.

The fees and costs are payable:

☐ Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.

6. Upon dismissal, discharge, chapter conversion, or relief from stay, the foregoing terms and conditions shall cease to be binding, payments will be due pursuant to the terms of the original loan agreement and Movant may proceed to enforce its remedies under applicable non-bankruptcy law against the Real Property and/or against the Debtors.

Certificate of Notice Page 5 of 5

United States Bankruptcy Court
District of New JerseyIn re:
Tony Kostovski
DebtorCase No. 18-21079-RG
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin
Form ID: pdf903Page 1 of 1
Total Noticed: 1

Date Rcvd: Feb 06, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Feb 08, 2020.

db Tony Kostovski, PO BOX 823, Saddle Brook, NJ 07663-0823

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Feb 08, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on February 6, 2020 at the address(es) listed below:

Andrew L. Spivack on behalf of Creditor JPMORGAN CHASE BANK, NATIONAL ASSOCIATION
nj.bkecf@fedphe.com

Denise E. Carlon on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper
dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com

Denise E. Carlon on behalf of Creditor Toyota Lease Trust dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com

Kevin Gordon McDonald on behalf of Creditor Toyota Lease Trust kmcdonald@kmlawgroup.com,
bkgroup@kmlawgroup.com

Kevin Gordon McDonald on behalf of Creditor Nationstar Mortgage LLC d/b/a Mr. Cooper
kmcdonald@kmlawgroup.com, bkgroup@kmlawgroup.com

Kevin M. Buttery on behalf of Creditor NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER
bkyefile@rasflaw.com

Marie-Ann Greenberg magecf@magtrustee.com

Melissa N. Licker on behalf of Creditor JPMorgan Chase Bank, National Association
NJ_ECF_Notices@mccalla.com

Nicholas V. Rogers on behalf of Creditor PHH MORTGAGE CORPORATION, AS SERVICER FOR HSBC BANK
USA NATIONAL ASSOCIATION AS TRUSTEE FOR PHH ALTERNATIVE MORTGAGE TRUST SERIES 2007-2
nj.bkecf@fedphe.com

Robert Davidow on behalf of Creditor JPMORGAN CHASE BANK, NATIONAL ASSOCIATION
nj.bkecf@fedphe.com

Russell L. Low on behalf of Debtor Tony Kostovski ecf@lowbankruptcy.com,
ecf@lowbankruptcy.com;r57808@notify.bestcase.com

Sherri Jennifer Smith on behalf of Creditor JPMORGAN CHASE BANK, NATIONAL ASSOCIATION
nj.bkecf@fedphe.com, nj.bkecf@fedphe.com

Sindi Mncina on behalf of Creditor NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER
smncina@rascrane.com

U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 14